

**STATE OF WISCONSIN**  
**Department of Commerce**

In the Matter of the PECFA Appeal of

Vivian N. Borucki  
Borucki's Grocery  
W4904 Highway 64  
Elton, Wisconsin 54430-0046

PECFA Claim: #54430-9999-04  
Hearing #98-74

**Final Decision**

**Preliminary Recitals**

Pursuant to a Petition for Hearing filed on or about June 19, 1998, under § 101.02 (6) (e) Wis. Stats., and § Comm/ILHR 47.53 Wis. Adm. Code, to review a decision of the Wisconsin Department of Commerce (Department) dated May 21, 1998, a hearing was commenced on January 25, 2000 at Madison, Wisconsin. A Proposed Hearing Officer Decision was issued on March 15, 2001 and the parties were provided a period of twenty (20) days to file objections.

The Issue for determination is:

Whether the Department's Decision of May 21, 2000 was correct in denying the claims of the Appellant in the amount of \$51,774.43. |

There appeared in this matter the following persons:

**PARTIES IN INTEREST:**

Vivian N. Borucki  
Borucki's Grocery  
W4904 Highway 64  
Elton, Wisconsin 54430-0046

By: Rachel A. Schneider, Esq.  
Matthew J. Duchemin, Esq.  
Quarles & Brady, LLP  
411 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4497

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Wisconsin Department of Commerce  
PECFA Bureau  
201 W Washington Avenue  
P.O. Box 7838  
Madison, Wisconsin 53707-7838

By: Kristiane Randal, Esq.  
Assistant Legal Counsel  
Wisconsin Department of Commerce  
201 W. Washington Avenue, Room 322A  
P.O. Box 7838  
Madison, Wisconsin 53707-7838

The authority to issue a Final Decision in this matter has been delegated to the undersigned by the Secretary of the Department pursuant to § 560.02 (3) Wis. Stats.

The matter now being ready for Final Decision 1, Martha Kerner, Executive Assistant of the Department, hereby issue the following:

#### **FINDINGS OF FACT**

The Findings of Fact in the Proposed Hearing Officer Decision cited above are hereby adopted for purposes of this Final Decision.

#### **CONCLUSIONS OF LAW**

The Conclusions of Law in the Proposed Hearing Officer Decision cited above are hereby adopted for purposes of this Final Decision.

#### **DISCUSSION**

The Discussion in the Proposed Hearing Officer Decision cited above is hereby adopted for purposes of this Final Decision.

#### **FINAL DECISION**

The Proposed Hearing Officer Decision cited above is hereby adopted as the Final Decision of the Department.

## **NOTICE TO PARTIES**

### **Request for Rehearing**

This is a final agency decision under § 227.48 Wis. Stats. If you believe this decision is based on a mistake in the facts or law, you may request a new hearing. You may also ask for a new hearing if you have found new evidence which would change the decision and which you could not have discovered sooner through due diligence. To ask for a new hearing, send a written request to Office of Legal Counsel, Wisconsin Department of Commerce, 201 West Washington Avenue, P.O. Box 7~970, Madison, Wisconsin 53707-7970.

Send a copy of your request for a new hearing to all the other parties named in this Final Decision as "PARTIES IN INTEREST".

Your request must explain what mistake you believe the hearing examiner made and why it is important of you must describe your new evidence and tell why you did not have it available at the hearing in this matter. If you do not explain how your request for a new hearing is based on either a mistake of fact or law or the discovery of new evidence which could not have been discovered through due diligence on your part, your request for a new hearing will be denied.

Your request for a new hearing must be received by the Department's Office of Legal Counsel no later than twenty (20) days after the mailing date of this Final Decision as indicated below. Late requests cannot be reviewed or granted. The process for asking for a new hearing is set out in § 227.49 Wis. Stats.

### **Petition For Judicial Review**

Petitions for judicial review must be filed not more than thirty (30) days after the mailing of this Final Decision as indicated below (or thirty (30) days after the denial of a request for a rehearing, if you ask for one). The petition for judicial review must be served on the Secretary, Office of the Secretary, Wisconsin Department of Commerce, 201 West Washington Avenue, P.O. Box 7970, Madison, Wisconsin 53707-7970.

The petition for judicial review must also be served on the other "PARTIES IN INTEREST" or each party's attorney of record. The process for judicial review is described in § 227.53 Wis. Stats.

PECFA Claim #54430-9999-04

Dated: 8/15/01

Martha Kerner  
Executive Assistant  
Wisconsin Department of Commerce  
201 West Washington Avenue  
P.O. Box 7970  
Madison, Wisconsin 53707-7970

Copies to:

Above identified "PARTIES IN INTEREST", or their legal counsel if represented.

Office Manager  
Unemployment Insurance Hearing Office  
1801 Aberg Avenue, Suite A  
Madison, Wisconsin 53707-7975

Date Mailed: 8/21/01

Mailed By: Linda K. Esser